

REMARKS

In the October 24, 2007 Office Action, claims 1-3, 6-10 and 14-19 stand rejected in view of prior art while claims 4, 5, 9, 11 and 13 were indicated as containing allowable subject matter¹. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the October 24, 2007 Office Action, Applicants have amended independent claims 1 and 17 as indicated above. Also, Applicants have rewritten claims 4, 9, 11 and 13 to accept allowable subject matter. Applicants wish to thank Examiner Gibson for this indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-19 are pending, with claims 1, 4, 9, 11, 13 and 17 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

In the numbered paragraphs 1 and 2 of the Office Action, claims 1-3, 6-10² and 14-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by German Publication No. DE 82 35 299 U1 (hereinafter "German '299 publication"). In response, Applicants have amended independent claims 1 and 17 to clearly define the present invention over the prior art of record.

In particular, independent claim 1 now recites the stock unit is configured to ***circulate*** a plurality of containers ***within the stock unit*** so that ***the containers are accumulated*** without

¹ Applicants note that claim 12 is not mentioned in the Office Action as to whether this claim is rejected or allowed. Applicants believe claim 12 is allowable over the prior art of record because this claim depends from independent claim 1, now amended. Moreover, claim 9 was indicated as being both rejected and allowed. Applicants believe the indication of claim 9 being rejected is a mistake and claim 9 is allowable over the prior art.

² Please see the note 1 above regarding claim 9.

stopping movements of the containers transported thereto from the weighing unit.

Independent claim 17 now recites *circulating* a plurality of containers which have been weighed so that *the containers are accumulated* without stopping movements of the plurality of containers. Moreover, claims 1 and 17 further recite discharging the target object from a container that is *selectively retrieved* from the plurality of accumulated containers. Clearly, this structure is *not* disclosed or suggested by the German '299 publication or any other prior art of record.

The Office Action asserts the transfer area (3) disclosed in the German '299 publication allegedly corresponds to the stock unit as recited in independent claim 1. However, this transfer area (3) is only used to transport the containers (4) from the weighing unit (8) to the discharge area (9). More specifically, the transfer area (3) merely forms *a part of* a conveyance path defined by the conveyor belt (33) that circulates the containers (4) *throughout* the entire weighing system. In the German '299 publication, it is clear that the containers (4) are merely moved from one place to another through the transfer area (3) by the conveyor belt (33). Thus, the transfer area (3) of the German '299 publication *cannot* correspond to the stock unit that is configured to *circulate* the containers *within the stock unit* so that *the containers are accumulated* without stopping movements of the containers as now recited in independent claim 1. For the same reason, the German '299 publication *fails* to disclose or suggest *circulating* a plurality of containers which have been weighed so that *the containers are accumulated* without stopping movements of the plurality of containers as now recited in independent claim 17.

Moreover, in the German '299 publication, the conveyor belt (33) moves *all* of the containers (4) from the weighing unit (8) to the discharge area (9) and back to the weighing unit (8). Therefore, the German '299 publication also *fails* to disclose or suggest *selectively*

retrieving a container among the *accumulated* containers to discharge the target object from the selected container as recited in independent claims 1 and 17.

Accordingly, the limitations now recited in independent claims 1 and 17 are *not* disclosed or suggested by the German '299 publication. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose *each* and *every* element of the claim within the reference. Therefore, Applicants respectfully submit that claims 1 and 17, as now amended, are *not* anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims 2, 3, 6-8, 10, 14-16, 18 and 19 are also allowable over the prior art of record in that they depend from independent claim 1 or 17, and therefore are allowable for the reasons stated above. Also, dependent claims 2, 3, 6-8, 10, 14-16, 18 and 19 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claims 1 and 17, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Allowable Subject Matter

In the numbered paragraph 3 of the Office Action, claims 4, 5, 9, 11 and 13 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicants have amended claims 4, 9, 11 and 13 to place them in independent form. Thus, independent claims 4, 9, 11 and 13 and dependent claim 5 are believed to be allowable.

Appl. No. 10/595,328
Amendment dated January 15, 2008
Reply to Office Action of October 24, 2007

* * *

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-19 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

/ Nomugi Tomoyori /

Nomugi Tomoyori
Reg. No. 59,784

GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
Dated: January 15, 2008

S:\01-JAN08-NTVIS-US030672 Amendment2.doc